

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
REGULAR MEETING MINUTES  
Jarvis Hall  
4505 Ocean Drive  
Tuesday, September 8, 2015  
7:00 PM**

**1. CALL TO ORDER, MAYOR SCOT SASSER**

Mayor Scot Sasser called the meeting to order at 7:00 p.m. Also present were Vice Mayor Chris Vincent, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Elliot Sokolow, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Assistant to the Town Manager Pat Himmelberger, Assistant Development Services Director/Town Planner Linda Connors, Town Attorney Susan L. Trevarthen, Finance Director Tony Bryan, Municipal Services Director Don Prince, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Smith.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. INVOCATION**

Rabbi Bentzion Singer gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

None.

**5. PRESENTATIONS**

None.

**6. PUBLIC COMMENTS**

At this time Mayor Sasser opened public comment.

Tony Piccione, representing the Silver Shores Marina, addressed Ordinance 2015-08, stating that the owner feels as if the Marina has been targeted by the Town Commission in recent months. He requested that the Town grant the Marina intervenor status, asserting that several line items within the proposed Ordinance would interfere with the Marina's right to operate, devalue the property, and result in loss of income. Mr. Piccione concluded that his comments would be sent to the Commission in the form of a letter.

Tor Skroder, resident, requested an update on the parking lot at 4312 Ocean Drive.

Mary Trimboli, representing the owners of the Santa Barbara Inn, requested consideration of a green screen or other barrier to block light and noise from 4312 Ocean Drive.

Lea Krauss, candidate for an open seat on Broward County's Circuit Court, introduced herself at this time. She stated that she is familiar with the Town and would be willing to speak to any individuals with questions about her candidacy.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Mayor Sasser advised that a full discussion of the parking lot to which Mr. Skroder had referred was planned under Item 13i. Town Manager Connie Hoffmann added that a full explanation of this Item is listed in the backup materials provided for tonight's meeting.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. AMR August 2015 Report (Chief Brooke Liddle)**

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

### **b. BSO August 2015 Report (Captain Fred Wood)**

Captain Fred Wood noted that the August 2015 report includes a description of a recent incident in which a resident was robbed by a scam artist who posed as a utilities repair worker. He emphasized that unsolicited visits from maintenance workers are extremely rare. If unsure of an individual's identity, residents are encouraged to contact the Broward Sheriff's Office (BSO) for verification. Information on how to avoid becoming a victim of scam artists is available through BSO.

**Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

## **8. TOWN MANAGER REPORT**

### **a. July Finance Report (Tony Bryan, Finance Director)**

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

**b. Town Manager Report (Connie Hoffmann, Town Manager)**

Town Manager Hoffmann stated that the Commercial Boulevard streetscape project is on schedule. In some locations, coconut palms will be substituted for royal palms due to interference with underground utility lines. The Commissioners agreed with this change by unanimous consensus.

Town Manager Hoffmann advised that a sewage leak occurred within the Basin Drive drainage project. Municipal Services Director Don Prince and Town Staff worked over the holiday weekend to address this issue. The source of the leak has not yet been determined.

**9. TOWN ATTORNEY REPORT**

None.

**10. APPROVAL OF MINUTES**

**a. August 11, 2015 Town Commission Meeting Minutes (Tedra Smith, Town Clerk)**

Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.

**11. CONSENT AGENDA**

Vice Mayor Vincent requested that Item 11d be pulled for discussion.

- a. Purchase of up to Three Global Pay Stations (Bud Bentley, Assistant Town Manager)**
- b. Holiday Lighting Award (Pat Himelberger, Assistant to the Town Manager)**
- c. Dental, Vision, and Life Insurance (Tony Bryan, Finance Director)**
- d. Request to Permit a Temporary Office Trailer at 4660 N. Ocean Drive (Linda Connors, Assistant Development Services Director / Town Planner)**

Vice Mayor Vincent stated that he would like to make approval contingent upon the painting of plywood at the Holiday Inn site, which belongs to the same owner as 4660 N. Ocean Drive, before the temporary trailer is installed.

**Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve, contingent upon first painting of plywood at the Holiday Inn site. Motion carried 5-0.**

- e. Property, Liability, and Worker's Compensation Insurance (Tony Bryan, Finance Director)**
- f. Emergency Medical Services Contract (Tony Bryan, Finance Director)**
- g. Renewal of Hardship Parking Permit Applications for FY 2015-2016 (Bud Bentley, Assistant Town Manager)**
- h. Community Center Participant Fees (Connie Hoffmann, Town Manager)**

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve Items a, b, c, e, f, g, and h. Motion carried 5-0.**

## **12. OLD BUSINESS**

None.

## **13. NEW BUSINESS**

- a. 2<sup>nd</sup> Request for a Construction Extension for 4600 and 4608 North Ocean Drive (Linda Connors, Assistant Development Services Director / Town Planner)**
- b. Coral Key Inn Construction Time Extension for 4601 El Mar Drive (Linda Connors, Assistant Development Services Director / Town Planner)**

Assistant Development Services Director/Town Planner Linda Connors advised that Items 13a and 13b are related, as they are three separate parcels operated as a single property. A first construction extension was granted by the Commission in April 2015 in order to correct an issue at 4600 and 4608 N. Ocean Drive. Since that time, the Applicant has met with the Town Engineer and has applied for unity of title, but no additional construction has occurred on the site. For this reason, Staff recommends denial of the request.

Regarding 4601 El Mar Drive, the Applicant has applied for a permit, although accessibility issues resulted in a stop work order being placed on this permit. The Applicant was granted an extension to complete work after the end of the season; however, no work has been done on this project. Because unity of title will tie all three



properties together under single permits or extensions, Staff recommends that it be considered as part of the other extension request.

Vedat Cokgoren, representing Karakayak Inc., stated that Americans with Disabilities Act (ADA)-compliant parking cannot be constructed on all three parcels, which resulted in the decision to bring the properties together under unity of title. One ADA-compliant parking space will be constructed on the northernmost parcel, as well as a ramp at 4601 El Mar Drive. Two months' extension was granted for this work by the Special Magistrate contingent upon the granting of an extension from the Town Commission.

Assistant Development Services Director/Town Planner Connors advised that her understanding was the Special Magistrate referred the owner to the Town Commission for an extension. She confirmed that the Applicant's communications with the Town Engineer occurred sufficiently long ago that work on the project should have begun.

The Commissioners discussed the request, confirming that no work has been done on the subject properties for a significant amount of time. Assistant Development Services Director/Town Planner Connors observed that the first extension was granted due to issues related to drainage and ADA accessibility. She pointed out that unity of title has already been granted for the two Ocean Drive properties, although the El Mar Drive property must still be added. She concluded that while the Town made an initial error that warranted in the first extension, no progress has been made by the Applicant since that time.

Mr. Cokgoren stated that the reason for the delay in work is the lack of unity of title. Assistant Development Services Director/Town Planner Connors advised that the Town is supportive of the unity of title, however, the reason for the delay in work was that they had not submitted engineering plans that the Town Engineer finds acceptable.

It was noted that if the Commission does not grant the extension, fines could be levied against the Applicant dating back as far as July 30, 2015. Notice of Code violation must be presented to the Special Magistrate before fines may be applied; in addition, the applicable date may be adjusted by the Commission.

Commissioner Brown suggested activating the fine of \$50 per day on September 9, 2015. The Applicant may seek relief from the fines at a later date.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to grant the extension through September 9, 2015 [for Items 13a and 13b]. Motion carried 5-0.**

**c. Application for Relief of Code Enforcement Lien at 1431 South Ocean Boulevard #10 Palm Club Co-Op (Linda Connors, Assistant Development Services Director / Town Planner)**

Assistant Development Services Director/Town Planner Connors stated that the Applicant was cited for work without a permit. Fines accrued for 131 days. The work in question was renovation of a kitchen and replacement of an exterior door. The property was provided with notice via certified mail on five separate occasions. The request is for 95% mitigation.

James J. Hurhalla, Esq, representing the Applicant, advised that his client lives in another country and was aware of neither the violation nor the lien. He urged the Commission to take into account the Applicant's quick response once he was made aware of the violation. He characterized the Applicant as a victim of his contractor's actions.

Assistant Development Services Director/Town Planner Connors reported that the Town has no record of an original permit being pulled for renovation of the kitchen before the property was cited. A permit was issued on May 16, 2015 and closed out on July 24, 2015. She pointed out that the Applicant is a member of the Palm Club Homeowners' Association, which also makes clear that a permit is required before work may begin. Mr. Hurhalla reiterated that the Applicant had relied on his contractor to take appropriate action.

Commissioner Dodd observed that Town Staff exceeded expectations in attempting to contact the property owner, and stated that 20%-25% mitigation would be more appropriate. Commissioner Sokolow, however, did not feel that a new Town resident should be punished for the actions of his contractor, and recommended 10% mitigation.

**Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, for 10% mitigation plus a \$250 administrative fee. Motion carried 5-0.**

**d. Request for a Construction Extension for 4324 North Ocean Drive (Linda Connors, Assistant Development Services Director / Town Planner)**

Assistant Development Services Director Connors/Town Planner advised that this property is adjacent to a property used by the Town as a parking lot. The Applicant pulled a permit and began demolition work before discovering errors in the site's engineering plans. This resulted in the renovation becoming more of a reconstruction project. The Applicant requests an extension until November 2016 due to the size of the project. Staff recommends approval of the request.

Vice Mayor Vincent requested that the condition be added that the Applicant must submit revised plans for the project no later than October 1, 2015. It was confirmed by the Applicant's contractor that this would be possible.

**Vice Mayor Vincent made a motion, seconded by Commissioner Dodd, to approve Staff's recommendation. Motion carried 5-0.**

**e. Health Insurance (Tony Bryan, Finance Director)**

Finance Director Tony Bryan reported a 47% increase in cost to renew the Town's current health insurance plan with Coventry, an additional \$160,000 in premiums to be divided between the Town and its employees. Staff recommends that the Town switch to a health management organization (HMO) plan with a Gatekeeper which is well within the budgeted amounts for health insurance next year. In addition, the Town can offer a point-of-service plan with the same carrier, which would allow employees or retirees the option of higher co-payments and a \$5000 deductible with access to a national network.

Mr. Bryan noted that the current gap plan will not be renewed as it does not provide much of a benefit with the HMO plan.

Under the HMO plan, the annual deductible for employees would be \$1250. To help offset some of these costs, Finance Director Bryan proposed a flexible savings plan in which the Town would deposit funds into an account for each employee to be used toward the co-payments of covered medical costs. This can be funded within the proposed budget amounts.

Finance Director Bryan explained that the flexible spending account would allow the Town to place a flat amount in the range of \$800 per employee, regardless of position or dependents, into this account and allowing employees the option of placing additional pre-tax money into the account as well. The exact amount to be placed into this account has not yet been determined and will be based on what is available in the budget.

Vice Mayor Vincent asked if Staff had fully researched all health insurance options and sought feedback from the Town's employees. Finance Director Bryan replied that the options presented had been discussed with Department heads, although not with all Town employees thus far. Town Manager Hoffmann added that Staff had encouraged all employees to review the proposed HMO plan to ensure their doctors were within its network.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve Staff recommendations A, B, and C. Motion carried 5-0.**

**f. Broward County Bus Layover (Tony Bryan, Finance Director)**

Finance Director Bryan advised that Broward County Transit (BCT) has asked to use an area on El Mar Drive between Hibiscus Avenue and Palm Avenue as a temporary bus layover. He noted that the Florida Development Group, will need this area when they begin construction, but when they will begin construction is uncertain. Staff recommends that the Commission grant conditional approval through August 2017 with the provision that the Town Manager has authority to revoke conditional approval upon 30 days' notice.

Barney McCoy, Service Account and Planning Manager for BCT, explained that the layover time is approximately five to ten minutes per route. BCT's service plan for the subject route is 5 a.m. until midnight, with headways of approximately 15 minutes.

Mayor Sasser stated a concern that several buses parking on El Mar Drive could be disturbing to residents in this area. Vice Mayor Vincent also expressed reservations with the plan, although he agreed that the Town should be willing to assist BCT with conditional approval. Mr. McCoy advised that drivers could be instructed to turn engines off during layovers in order to address noise concerns.

Commissioner Dodd observed that this would be a great length of time for one to two buses to park at this location, particularly on weekends.

**Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 3-2 (Mayor Sasser and Commissioner Dodd dissenting).**

**g. Payment in Lieu of Providing Required Parking (Bud Bentley, Assistant Town Manager)**

Asst. Town Manager Bentley explained that the question is whether or not the Town should assist the property or business owner by providing an additional mechanism that allows them to pay a fee in lieu of providing required parking.

Town Manager Hoffmann advised that Staff offers two alternatives described in the backup materials: a traditional payment-in-lieu program and a modification of Code that would allow parking exemptions to be granted. Options for both alternatives are presented. Once the Commission expresses a preference for a program and specific options, Staff will craft this program based on that input and present it to the Commission for approval at a later date.

Commissioner Brown stated that he would support a pilot program similar to the Town's existing program with Ocean 101, which is based on the annual cost of an existing parking space in the A1A lot. Vice Mayor Vincent advised that he was concerned for future businesses, as they would be asked to pay into the payment-in-lieu system rather than allowed the exemption that existing businesses already have. Commissioner Dodd

agreed that Commissioner Brown's proposal to link the fee to the cost of an annual space in the A1A lot was a fair and consistent one.

Commissioner Sokolow asserted that before he could support any payment-in-lieu program, he would like to see a projected number of how many new businesses are anticipated within the next few years. He pointed out that the cost of these spaces could be sufficient to construct and support a parking garage.

Mayor Sasser noted that requiring parking spaces for a particular business often serves to curtail and/or define the number of businesses that wish to come into the Town. While he felt the existing parking exemption program has been very effective, he was not certain that this program was intended to continue into perpetuity. He did not feel it would be cost-effective to hire additional consultants to estimate how many restaurants might come into the Town and the revenue they might generate.

Town Manager Hoffmann agreed that it would be necessary to hire an economic development consultant in order to fully address Commissioner Sokolow's concerns. She pointed out that removing parking requirements altogether would have a negative effect on existing restaurants and shops.

**Commissioner Dodd made a motion, seconded by Commissioner Brown, for Staff to bring back a parking payment-in-lieu program based on the monthly permit fees for the A1A lot. Motion carried 4-1 (Commissioner Sokolow dissenting).**

**h. Change Second Regular Meeting Date in September (Connie Hoffmann, Town Manager)**

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to move the regularly-scheduled meeting from September 22 to September 28. Motion carried 5-0.**

**i. Twenty (20) Year Lease of 4312 Ocean Drive for a Parking Lot (Bud Bentley, Assistant Town Manager)**

Asst. Town Manager Bentley explained that the Town had discussed the purchase of the temporary parking lot at 4312 Ocean Drive with that property's owner but could not agree on a price. The owner is now seeking to enter into a longer lease with the Town. Under the terms negotiated, the Town would construct a permanent parking lot at the site, and up to \$250,000 of the construction cost would be reimbursed through a 50/50 division of parking revenue between the Town and the owner, after which time the net revenue would be divided 85/15, with 85% going to the owner and 15% to the Town..

Asst. Town Manager Bentley advised that the Town is the only entity that may operate a stand-alone parking lot in Lauderdale-By-The-Sea for public use. Adjacent property owners have been notified and responses were included in the backup materials, along



with a prospective license agreement and a listing of items to which the property owner has agreed.

Town Manager Hoffmann noted that nearby property owners had addressed the need for landscaping and screening during Public Comments. Asst. Town Manager Bentley stated that the Town has offered to construct fencing between the properties. The Town will also consider additional landscaping to reduce noise.

Commissioner Brown spoke in favor of the agreement, stating that the Town cannot afford to lose the lot's 54 parking spaces and should take the opportunity to secure them for 20 years. Mayor Sasser asserted that he did not agree with the proposed division of revenues, as the Town would take on the entire responsibility of developing the site. Commissioner Sokolow requested clarification of whether leased property was exempt from sales tax, pointing out that this tax could significantly affect the Town's revenue. He recommended withholding a final decision until this has been clarified.

Vice Mayor Vincent asked if there is a mortgage on the property, stating that the Town should take steps to protect itself from default if this is the case. He also asked if the lease includes a buyout agreement in the event that the property is sold. Asst. Town Manager Bentley advised that there is a provision requiring the property owner to provide documentation that the purchaser has been notified of and is subject to the lease. He added that there is no protection available to the Town in the event of a foreclosure: the Town would have to seek arrangements with the bank if this occurred. Vice Mayor Vincent concluded that the lease would be a positive step for both the owner and the Town, and asserted that the Town should fully accommodate the buffers requested by adjoining property owners.

Commissioner Dodd observed that the lease and two extensions could mean the Town has secured 54 parking spaces for up to 40 years. Asst. Town Manager Bentley confirmed this, adding that the Town's \$250,000 reimbursement for improving the property would come during the first 10 years of the lease. Commissioner Dodd stated that he shared Vice Mayor Vincent's concern for the possibility that the property might be sold before the Town is fully reimbursed. He also agreed that the Town should take all necessary steps to screen adjoining properties from the lot.

Tor Skroder, resident, advised that his property is adjacent to the parking lot. He asked if the lease agreement's reference to \$50,000/year was net profit, pointing out that the 85/15 split would provide the Town with only \$7500/year in their effort to recoup costs. Mr. Skroder also asked if the parking lot had been studied to determine who uses it and provides the revenue. He expressed concern with 24-hour public use of the lot, which can be disruptive to nearby residents.

Asst. Town Manager Bentley stated that the 2015 Parking Strategic Plan recommends that the Town seek to acquire parking south of Commercial Boulevard to meet its needs, particularly on the oceanfront side. He estimated that there is potential for

Lauderdale-By-The-Sea  
Regular Town Commission Meeting  
September 8, 2015

\$205,000 in annual revenue for the first 10 years and \$27,000 in revenue to the Town from the 85/15 split in the second 10 years. He concluded that in lighted and developed areas, public behavior may be less disruptive, and agreed that sufficient screening is needed to separate the property from its neighbors.

Mr. Skroder stated that he was concerned about noise pollution as well as the behavior of individuals using the lot, and he did not feel there would be a satisfactory solution to these issues. Vice Mayor Vincent asserted that the Town would take steps to address these concerns.

Town Attorney Trevarthen clarified that the site would typically not be subject to sales tax, as any rental to a government agency is exempt; however, she recommended additional verification and research, as well as whether or not it would affect the 85/15 calculation. Sales tax is taken out of gross revenue for these lots, as it is included in the parking fees. Item 4.3 of the lease agreement may be amended to state that the Town deducts any sales tax from net parking revenues. Commissioner Sokolow stated that he would like to see how this deduction would affect the calculation. Finance Director Bryan advised that it would affect both sides of the 85/15 division

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, subject to the change of Section 4.3 calculations, and that the net amount does not include any applicable sales tax. Motion carried 4-1 (Mayor Sasser dissenting).**

The Commissioners took a brief recess at this time.

#### **14.COMMISSIONER COMMENTS**

Commissioner Dodd advised that there have been neither a Hillsboro Inlet nor Coastal Oceans Task Force meetings recently. He continued that he is interested in how different municipalities address the issue of dogs on the beach, and recommended that the Town seek to determine a suitable area on its beach in which they are allowed. He also stated his support for recent decisions by other municipalities to ban the sale of dogs bred in puppy mills.

Commissioner Sokolow reported that at a recent League of Cities meeting, County Commissioner Martin Kiar raised the issue of decriminalization of use or possession of less than 20 grams of cannabis in certain forms. Commissioner Kiar has urged all cities in Broward County to pass ordinances or other indications of support for this proposed legislation. Commissioner Sokolow recommended that this Item be added to a future Agenda as either a Resolution or an Ordinance.

## **15. ORDINANCES**

### **Ordinances 1<sup>st</sup> Reading**

- i. **Ordinance 2015-08 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 5, “BEACHES AND WATERWAYS,” BY AMENDING SECTION 5-1, “DEFINITIONS,” TO CLARIFY THE DEFINITIONS OF WATERCRAFT; AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, “DEFINITIONS,” TO PROVIDE DEFINITIONS RELATED TO MARINA USES; BY AMENDING DIVISION 2, “DISTRICTS,” OF ARTICLE V, “ZONING,” TO RENAME SUBDIVISION G, “BUSINESS ZONING DISTRICT REGULATIONS,” TO “B-1-A DISTRICT REGULATIONS,” TO DELETE SECTION 30-260 TO ELIMINATE DUPLICATION; TO AMEND SECTION 30-281, “B-1-A DISTRICT – BUSINESS” TO ORGANIZE REQUIREMENTS FOR CONDITIONAL USES AND TO AMEND SECTION 30-271, “B-1 DISTRICT – BUSINESS” TO CORRECT REFERENCES AND PROVIDE FOR CONDITIONAL USE REVIEW OF MARINAS AND IDENTIFY SPECIFIC REQUIREMENTS FOR MARINA USES; BY AMENDING SECTION 30-311, “BOATS, BOAT LIFTS, BOATHOUSES AND ANCHORAGE,” TO AMEND AND CLARIFY THE REQUIREMENTS FOR DOCKING AND MOORING OF WATERCRAFT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE ((Linda Connors, Assistant Development Services Director / Town Planner))**

At this time Mayor Sasser opened public comment.

John Lanata, resident, stated his support for the proposed Ordinance.

With no other individuals wishing to speak on this Item, Mayor Sasser closed public comment.

Commissioner Dodd asserted that Town Staff has tried to work with the Marina to allow it to continue to operate rather than limiting its ability to do so or targeting it in an unfair manner. He stated his support for the Ordinance, as did Mayor Sasser. Commissioner Brown noted that the most commonly-expressed concern regarding the marina is for individuals living aboard their boats for an extended period of time, which is addressed under the Ordinance.



**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

- ii. Ordinance 2015-12 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-211, “RS-5 DISTRICT – RESIDENCE” TO MODIFY THE SETBACK REQUIREMENTS AND CALCULATIONS FOR WATERFRONT PROPERTIES AND DELETE ROOF STYLE LIMITATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE (Linda Connors, Assistant Development Services Director / Town Planner)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd thanked Staff and the Planning and Zoning Board for their work on this Item, noting that it reverses a significant impact that occurred when setback requirements were modified in 2007.

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve. Motion carried 5-0.**

- iii. Ordinance 2015-13 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-241, “RM-25 DISTRICT – APARTMENTS AND LODGING” TO CLARIFY THE REQUIREMENTS FOR TEMPORARY REAL ESTATE SALES OFFICES, CLARIFY SETBACK REQUIREMENTS, PROVIDE FOR BUILDING OVERHANGS IN FRONT YARDS, REORGANIZE THE SECTION AND DELETE DUPLICATIVE REQUIREMENTS; AND BY AMENDING SECTION 30-481, “LANDSCAPE REQUIREMENTS BY ZONING DISTRICTS” TO CLARIFY PERVIOUS LANDSCAPING REQUIREMENTS IN MULTIFAMILY DISTRICTS AND RELOCATE LANDSCAPE REQUIREMENTS FROM THE RM-25 DISTRICT REGULATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Assistant Development Services Director / Town Planner)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

**Ordinances 2<sup>nd</sup> Reading**

- i. **Ordinance 2015-09 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 13, NOISE, SECTION 13-3, PROHIBITED ACTS, TO DELETE DUPLICATIVE GENERATOR REQUIREMENTS; AMENDING ARTICLE V, “ZONING,” OF CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-11, DEFINITIONS, TO ADD DEFINITIONS RELATED TO GENERATORS AND CLARIFY DWELLING DEFINITIONS AND BY AMENDING SECTION 30-313, GENERAL PROVISIONS, TO REVISE GENERAL REQUIREMENTS FOR EL MAR WALKS, DRIVEWAYS, SWALES, LIGHTING, ACCESSORY BUILDINGS, AND GENERATORS AND RELATED FUEL STORAGE TANKS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Linda Connors, Assistant Development Services Director / Town Planner)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

Commissioner Dodd again thanked Staff and the Planning and Zoning Board for the changes included in the Ordinance.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

- ii. **Ordinance 2015-10 -- AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING SECTION 12-22 OF THE TOWN CODE OF ORDINANCES TO DECREASE BUSINESS TAX RATES AS SET FORTH IN EXHIBIT “A,” PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Vice Mayor Vincent, to approve. Motion carried 5-0.**

- iii. **Ordinance 2015-11 – AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, “UTILITIES,” OF THE TOWN’S CODE OF ORDINANCES BY AMENDING ARTICLE II, “SANITARY SEWER SYSTEM,” SECTION 20-19 “RATES AND CHARGES” TO ADOPT REVISIONS TO THE SCHEDULE OF RATES AND CHARGES FOR SANITARY SEWAGE COLLECTION, TRANSMISSION, AND DISPOSAL SERVICE; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 3-2 (Mayor Sasser and Vice Mayor Vincent dissenting).**

#### **16.RESOLUTIONS – PUBLIC COMMENTS**

- a. **Resolution 2015-33 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AGREEMENT WITH THE LAUDERDALE-BY-THE-SEA CHAMBER OF COMMERCE, INC. FOR OPERATING AND FUNDING A VISITOR AND WELCOME CENTER; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Connie Hoffmann, Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Vice Mayor Vincent made a motion, seconded by Commissioner Sokolow, to approve. Motion carried 5-0.**

- b. **Resolution 2015-34 – A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING AN AGREEMENT WITH BIEN-AIME INC. FOR PROGRAM DEVELOPMENT AND DELIVERY FOR THE TOWN’S SENIOR COMMUNITY CENTER AND EVENING GENERAL INTEREST PROGRAMS; DIRECTING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICT, SEVERABILITY, AND FOR AN EFFECTIVE DATE (Connie Hoffmann, Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Brown made a motion, seconded by Commissioner Dodd, to approve. Motion carried 5-0.**

- c. Resolution 2015-38 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, PROVIDING FOR THE APPOINTMENT OF TOWN MEMBERS TO THE FIREFIGHTERS PENSION TRUST FUND BOARD OF TRUSTEES; PROVIDING FOR CONFLICTS AND FOR AN EFFECTIVE DATE (Tony Bryan, Finance Director)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Sokolow made a motion, seconded by Commissioner Dodd, to approve the appointment Linda Collins and John Oughton III. Motion carried 5-0.**

- d. Resolution 2015-40 – A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, ADOPTING A REVISED PERSONNEL POLICIES MANUAL; PROVIDING FOR SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE (Connie Hoffmann, Town Manager)**

At this time Mayor Sasser opened public comment, which he closed upon receiving no input.

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve. Motion carried 5-0.**

## **17. QUASI JUDICIAL PUBLIC HEARINGS**

Town Attorney Trevarthen explained the procedures for the hearing of quasi-judicial items, and asked the Commissioners to disclose any ex parte communications on this item. There were none. Any individuals wishing to speak were sworn in at this time.

- a. Amendment to Conditional Use Approval to Operate Watercraft Sales and Rental at 218 Commercial Boulevard #107 (Linda Connors, Assistant Development Services Director / Town Planner)**

Assistant Development Services Director/Town Planner Connors explained that this is a request to rent beach chairs and umbrellas at 218 Commercial Boulevard #107. A conditional use to rent watercraft at this site was previously allowed on December 9, 2014. The amendment is administrative in nature. Staff recommends approval of the amended development order, with added conditions that the operator shall ensure that

Lauderdale-By-The-Sea  
Regular Town Commission Meeting  
September 8, 2015

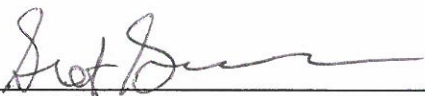
all rental equipment is removed from the beach and returned to the business by 7 p.m., and that there shall be no delivery of equipment to the beaches before 10 a.m. The Applicant has agreed to these conditions.

Commissioner Dodd advised that individuals renting watercraft or beach equipment should be fully informed of the dangers caused by offshore winds. Jorge Figueroa, business owner, stated that his staff is regularly apprised of weather-related dangers and at times do not rent equipment for this reason.

**Commissioner Dodd made a motion, seconded by Commissioner Brown, to approve. Motion carried 5-0.**

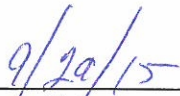
### 18.ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 10:26 p.m.

  
\_\_\_\_\_  
Mayor Scot Sasser

ATTEST:

  
\_\_\_\_\_  
Town Clerk Tedra Smith

  
\_\_\_\_\_  
Date